The application was filed on 22 June 2001 with seventeen claims. The Examiner examined the application and on 21 April 2005 issued a first Action rejecting claim 12 under 35 U.S.C. §112, second paragraph, and claims 1–17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0032092 A1 entitled SMALL BUSINESS WEB–BASED PORTAL METHOD AND SYSTEM to Calver (Calver '092). Applicants responded by amending the claims, cancelling claims 3, 5 and 11, 12, and presenting claims 18–30 for examination. The Examiner then finally rejected claims 1–2, 4, 6–10, 13–30 under 35 U.S.C. §102(e) under Calver '092. Applicants traversed the rejection and cancelled claims 7 and 8.

The Examiner withdrew the finality of the previous rejection but rejected claims 1–2, 4, 6, 9–10, 13–30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2002/0049603 entitled METHOD AND APPARATUS FOR A BUSINESS APPLICATIONS SERVER to Mehra et al. (Mehra '603). Applicants amend claim 9 to clarify the meaning of the word "flow"; in doing so Applicants have not added new matter. Support in the originally filed specification for the amendment is given on page 5, lines 7–11. Claims 1–2, 4, 6, 9–10, 13–30 are pending.

The Rejection of claims 1, 2, 4, 6, 9–10, 13–30 under 35 U.S.C. §102(e) by Mehra '603

The Examiner rejected the claims 1, 2, 4, 6, 9–10 and 13–30 as being anticipated by Mehra '603. In order for a claim to be anticipated under 35 U.S.C. §102(e), Mehra '603 must identically describe each and every element of the rejected claim. Applicants will show that Mehra '603 does not disclose a database model of a business enterprise having separate architectures for the business and for the information technology (IT) whereby changes to one architecture are evaluated for impact on the other architecture prior to implementation.

Mehra '603 teaches a business application server using a persistence framework of four layers: at the bottom is a platform layer that provides

functionality for persistence, distributed logic, application integration, content generation and metadata queries; above the platform layer is a core services layer to provide functionality for the enterprise application, security, internalization and reporting; a common business objects layer is above the core services layer, and the applications layer is on top and it shares the business objects and may include modules for learning, content, performance, sales and marketing, etc. The metadata and the SQL for the business objects may be stored in a database. *See* Mehra '603, page 3, ¶s[0055] through [0059]. Mehra '603 teaches that the hierarchical architecture, i.e., the applications, then the business objects, then the core services, and then the platform at the bottom "helps avoid circular dependencies by requiring that all dependencies be directed downwards. That is, a vertical application may have dependencies on one or more sets of common business objects, but not on other applications. Similarly, common business objects may be dependent on core services and on other common business objects, but not on applications." ¶[0061]. (Emphasis added). It follows then that the platform is not dependent upon the core services; the core services are not dependent upon the business objects; the business objects are not dependent upon the vertical applications. The architecture of Mehra '603, moreover, "permits application developers to work on the business aspects of the application without having to focus on transaction management, security, persistence of data or life cycle management of the object itself." ¶[0041].

Applicants claim a model of a business enterprise comprising an integrated database having a first and a second architectural portion. The first architectural portion relates to a business's information and processes while the second architectural portion relates to the information technology of the business. A database is defined as a collection of information organized in such a way that a computer program can quickly select desired pieces of data. Information technology (IT) encompasses the technology used to create, store, exchange, and use information in its various forms (business data, voice conversations, still images, motion pictures, multimedia presentations, and other

forms, including those not yet conceived). *See,*
http://searchdatacenter.techtarget.com/sDefinition/0,290660,sid80_gci214023,00
.html.

In the Examiner's rejection of independent claim 1 upon which claims 2, 4, 6 and 18-29 are dependent, independent claim 30, and independent claim 9 upon which claim 10 is dependent, the Examiner states that the claimed first architectural portion of business operations and objectives is the same as the platform layer of Mehra '603. The Examiner alleges that the second IT architectural portion is the same thing as the core services layer of Mehra '603; and that the changes to one architectural portion being assessed for impact on the other architectural portion reads on the common business objects layer of Mehra '603.

Applicants traverse the rejection on several grounds. First, Mehra '603 exhaustively teaches an actual business enterprise system; not a database model as claimed by Applicants. Second, the platform layer of Mehra '603 may not be the same thing as the first business portion architecture claimed; third, the core services layer of Mehra '603 is not the same thing as the IT architectural portion; fourth, the business objects layer of Mehra '603 is certainly not the same thing as the assessment of changes to either architecture prior to implementation. Fifth, Mehra '603 teaches away from the claimed invention. Mehra '603 teaches a vertical dependency of the layers wherein changes in the platform layer (which the Examiner says is the business architectural portion of the database) do not impact changes in the core services layer (which the Examiner claims is the IT architectural portion of the database) and changes in the core services layer do not impact the business objects layer (which the Examiner says is evaluation of the impact resulting from the changes). Mehra '603 further teaches that changing the business aspects of the architecture does not require the developers to assess changes on the transaction management or life cycle management.

The platform layer of Mehra '603, which the Examiner asserts is the same thing as Applicants' business architecture, is described at page 3, ¶s[0062]

through [0078] and it consists of a business development kit and web development kit, an interconnect and an information distributor server. The business development kit is further described on page 7, ¶[0215] through page 26, ¶[0501]. The web development kit of Mehra '603 is described beginning at page 27, ¶[0502] through page 59, ¶[0881]. The information server of Mehra '603 is described at page 59, ¶[0882] through page 71, ¶[1115]. Based on Mehra '603's description of the platform from pages 7 through 71, Attorney for Applicants is reluctant to assert just what the platform of Mehra '603 is or is not – might even include the kitchen sink if the business is a plumbing business.

But, whatever the platform is or is not, one thing for sure is that the core services layer is not the same thing as the IT architectural portion, as posited by the Examiner. The core services layer of Mehra '603 is described on page 4, ¶s[0079] through [0109]. Mehra '603 lists a plurality of managers as providing core services, such as currency manager, value manager, report manager, letter manager, DataDictionary manager, etc. that deal specifically with the business objects, i.e., with manipulation and control of the business objects rather than with information technology. Core services are further described on page 12, ¶[0288] through page 13, ¶[0297] and include security, auditing, concurrency, internalization, logging, notification, etc. Briefly, Applicants describe their IT architecture, shown in Figure 5 of the pending application, as including application software, user groups, products and standards, reference architectures, enterprise technology framework. Even given the generalized, vague and ever-changing language of business and information technology, one of skill in the art can easily discern that the core services of Mehra '603 is not the same thing as the IT architecture of Applicants. Respectfully, the rejection of the claims must fall because the core services layer does not teach each and every aspect of the claimed IT architecture.

And another thing for sure is that the assessment of changes to either architecture for impact on the other architecture as claimed is not the same thing as the business objects layer of Mehra '603, as asserted by the Examiner. The business objects layer is described briefly at page 4, ¶s[0110] through

[0124] and throughout Mehra '603 and specific features of objects are given on pages 8 through 10 as having properties and metadata. Mehra '603 says that the common business objects are business abstractions (whatever that is?) shared across the applications and may include an accountability manager, a personal calendar manager, a party manager, a profile manager, a role manager, etc. Again, Attorney for Applicants is reluctant to say what common business objects are or are not, but when comparing the description by Mehra '603 with Figures 4 and 5 of Applicants' application, I am unable to discern that each and every claimed element is shown or taught by Mehra '603. How do the business objects of Mehra '603 reflect and evaluate the impact on the IT (or the business) architecture resulting from changes on the business (or IT) architecture?

Mehra '603 not only precludes anticipation of Applicants' claims but also precludes any hint of obviousness because of the independent and persistent nature of Mehra '603's architecture. Recall that Mehra '603 stated that dependency went from the application layer to the business object layer to the core services layer to the platform layer and that, by deduction, the core services layer was dependent only upon other core services and the platform, but not on the business object layer nor the application layer. Thus, the core services layer could change and there would be no changes to the platform because of the vertical independence. Mehra '603 also teaches no way to evaluate any changes that might occur to the platform resulting from changes to the core services layer. Thus, Mehra '603 does not expressly or inherently disclose the claimed element of evaluating the impact on the first architectural portion of business resulting from changes to the second architectural portion of the information technology of the same business, or visa versa.

In addition, Mehra '603 teaches that the platform further comprises an information server, an interface server, a business server and an intraconnect server (*see* Figure 4 of Mehra '603). If, as the Examiner asserts, these are the business architecture as claimed by Applicants, it is difficult to imagine these integrated into a database. Mehra '603, moreover, does not teach or suggest that changes to one of the servers is reflected in the database as having an impact

on the other servers, prior to implementation of the changes. Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 2, 4, 6, 9, 10, 13-30 under 35 U.S.C. §102(e) as being anticipated by Mehra '603.

Conclusion

Mehra '603 teaches a business enterprise wherein objects representing different aspects of business are stored with their properties and metadata. Mehra '603 teaches four layers of the enterprise having a vertical dependence in order to "avoid circular dependencies." Applicants traverse the rejection of the claims as being anticipated by or obvious in view of Mehra '603 because Applicants' teach a business model having a business architecture and an IT architecture wherein the circular dependencies between the two can be easily ascertained and evaluated if a change is made to one of the architectures. Applicants further distinguish Mehra '603 because the core services layer of Mehra '603 is not the same thing as, nor does it teach or suggest the claimed IT architecture within a database. Thus, Mehra '603 cannot sustain a rejection of claims 1, 2, 4, 6, 9, 10, and 13-30 under 35 U.S.C. §102(e) because it does not identically describe each and every element of the rejected claims.

Applicants, having thus distinguished the claimed invention from Mehra '603, request the Examiner to allow the claims and pass the case to issuance. Attorney for Applicants thank the Examiner for her/his continued examination of the claims. Examiner is further invited to telephone the Attorney listed below if she/he thinks it would expedite the prosecution and the issuance of the patent.
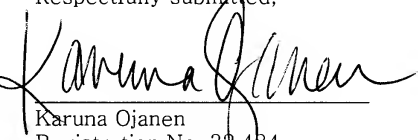
Respectfully submitted,

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